

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

16-10444 *Carthan v. Snyder*

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**ORDER REGARDING NONCONFORMING FILING [1710],  
GRANTING MOTION FOR ORDER TO SHOW CAUSE [1716],  
AND SETTING BRIEFING SCHEDULE**

On Saturday April 24, 2021, the *Chapman* Plaintiffs, through their counsel, docketed an item related to an aspect of the partial settlement. (ECF No. 1710.) That filing contained redactions (*See e.g.*, ECF No. 1710, PageID.62280, 62281, 62284), however, Plaintiffs did not obtain the required authorization and Court order before placing a redacted item on the Court's docket. Nor did the *Chapman* Plaintiffs follow Eastern District of Michigan Local 5.3, which requires, among other things, that they first file a motion for permission to file under seal, along with a provisionally-sealed version of the document at issue.

On April 28, 2021, Co-Liaison Counsel for Individual Plaintiffs filed a motion for an order to show cause. (ECF No. 1716.) In it, they argue that the *Chapman* Plaintiffs' April 24, 2021 filing violates the Court's October 21, 2020 protective order, in that it explicitly refers to a transcript of a deposition and exhibits that were the subject of the Court's protective order that was entered because the material relates directly to children's medical records. (*Id.*; *see also*, ECF No. 1290, PageID.39774 ("For the reasons set forth on the record, copies of the transcript of Dr. Aaron Spect's deposition that have been disseminated to any counsel who is not counsel of record in the four bellwether cases must be destroyed.")(*see* Transcript, October 21, 2021, ECF No. 1311)).)

Accordingly, the Court orders as follows.

(1) As it regards filings made under seal, the *Chapman* Plaintiffs may either withdraw their filing or comply with the Local Rules. If the *Chapman* Plaintiffs do not exercise either option by **12:00 pm EDT on Thursday April 29, 2021**, then the item will be stricken from the Court's docket for failing to comply with the local rules. *See* E.D. Mich. L.R. 11.1.

(2) Regardless of whether the *Chapman* Plaintiffs properly file the document at issue, withdraw it, or it is stricken by the Court as set forth above, the *Chapman* Plaintiffs' counsel, Mr. Mark Cuker, is ordered, no later than **12:00 pm EDT on Friday April 30, 2021** to show cause in writing and on the docket, as to: (a) how, from whom, and when the *Chapman* Plaintiffs' counsel came into possession of the protected materials; (b) with whom the *Chapman* Plaintiffs' counsel has shared the protected materials; and (c) whether the *Chapman* Plaintiffs' counsel has made copies of the protected materials as well as what he has done with the materials since gaining possession of them.

(3) Responses, if any, to the *Chapman* Plaintiffs' April 24, 2021 filing (assuming it is properly filed and is not withdrawn) may be included in the motion for final approval of the partial settlement.

IT IS SO ORDERED.

Dated: April 28, 2021  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 28, 2021.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager